

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OTHA CASSELL,

Plaintiff,

v.

**Civil Action 2:09-cv-1154
Judge GREGORY L. FROST
Magistrate Judge E.A. Preston Deavers**

STEVEN MCINTOSH, et al.,

Defendants.

ORDER

This matter is before the Court for consideration of the January 14, 2011 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 15.) The Magistrate Judge recommended that the Court dismiss Plaintiff's action pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

In this Court's February 9, 2011 Order, the Court specifically advises Plaintiff that his failure to object to the Report and Recommendation within fourteen days results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (February 9, 2011 Order 1, ECF No. 17.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Magistrate Judge's Report and Recommendation. Noting

that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, the Court **DISMISSES** Plaintiff's action pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE